UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:06-cv-505-RJC

DISABILITY RIGHTS AND)	
RESOURCES, AND EILEEN)	
TEACHOUT-SMITH,)	
)	
Plaintiffs,)	
)	<u>ORDER</u>
v.)	
WHILLIAM II GARLIGER)	
WILLIAM H. CARLISLE,)	
Defendent)	
Defendant.)	

THIS MATTER is before the Court pursuant to Plaintiffs' Motion for Default Judgment filed on October 30, 2007. (Doc. No. 17). The Clerk entered a default against Defendant on March 10, 2008. (Doc. No. 20). Next, the Court scheduled a hearing on the Motion for Default Judgment. (Doc. No. 24). After the hearing was scheduled, Defendant filed an Amended Complaint (Doc. No. 25) and a Motion to Continue Hearing (Doc. No. 26). On October 22, 2008, the Court granted Plaintiffs' Motion to Continue Hearing for a period of 90 days. (Doc. No. 28). Plaintiffs filed an Answer to the Amended Complaint on December 12, 2008. (Doc. No. 29).

The Court finds that Plaintiffs' filing of the Amended Complaint rendered Plaintiffs' Motion for Default Judgment moot.¹ See Rock v. Am. Express Travel Related Servs. Co., No. 08-cv-101909, 2008 U.S. Dist. LEXIS 101909, at *5 n.3 (N.D.N.Y. Dec. 17, 2008) (citing various cases).

IT IS, THEREFORE ORDERED THAT Plaintiffs' Motion for Default Judgment is

¹ In Plaintiffs' Motion for Order Continuing Hearing, Plaintiffs stated that the Amended Complaint appeared to moot Plaintiffs' Motion for Default Judgment. (Doc. No. 26 at 2).

DENIED as moot.

Signed: January 21, 2009

Robert J. Conrad, Jr. Chief United States District Judge